

Board of Chiropractic Examiners

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**BOARD OF CHIROPRACTIC EXAMINERS
MEETING MINUTES
LEGISLATIVE COMMITTEE
January 8, 2009
State Capitol
Senate Room 112
Sacramento, CA 95814**

Committee Members Present

Frederick Lerner, D.C., Chair
Francesco Columbu, D.C., Professional Member

Staff Present

Brian Stiger, Executive Officer
LaVonne Powell, Senior Staff Counsel
April Alameda, Associate Governmental Program Analyst
Tammi Pitto, Staff Services Analyst
Valerie James, Office Technician

Call to Order

Dr. Lerner called the meeting to order at 9:05 a.m.

Roll Call

Dr. Columbu called the roll. All committee members were present.

Approval of Minutes for May 22, 2008

MOTION: DR. LERNER MOVED TO APPROVE THE MAY 22, 2008, MINUTES.

SECOND: DR. COLUMBU SECONDED THE MOTION

VOTE: 2-0

MOTION CARRIED

Proposed Legislation to Increase License Fees

Mr. Stiger stated that this originated in September 2005 when a previous board was thinking about raising the fees. Since that time, many things have changed. Probably the most important change is the creation of our special investigators, which has caused a big expenditure on our budget. We also have a lot more enforcement activities that we are working on. We are currently spending about one million dollars more each year than we are bringing in. It's

inevitable that we need to increase our revenues. We have a fund condition that completed by the Department of Consumer Affairs. In fiscal year 2011-2012, we will be facing a deficit. Now is the time to enact legislation to allow us to increase our fees. We confirmed through legal that we can raise fees through legislation.

If we get legislation approved this year, it will be enacted in July of 2010, which will put us right on line to make sure that we have adequate funding to continue to operate.

Dr. Lerner commented that if he was reading the proposed regulations correctly, we are talking about an initial increase of \$50 per licensee, and essentially this will give us a range so we can raise fees in the future without having to back through the legislature. With the current economy, we need to make this clear to the legislature that this comes from licensing fees and not tax dollars.

Dr. Columbu asked if the initial increase is \$50, how will the future increases work.

Mr. Stiger stated that we would continue to monitor the budget and fund and do an analysis to figure out what the actual numbers would be, it is premature to come up with the numbers now. He also commented that when he did the analysis, over 26 years if you add a 3% inflation rate, the renewal rate would be over \$300.

Dr. Columbu pointed out that this will help us improve in our enforcement areas.

MOTION: DR. LERNER MOVED TO PRESENT THIS RECOMMENDATION TO THE FULL BOARD

SECOND: DR. COLUMBU SECONDED THE MOTION

VOTE: 2-0

MOTION CARRIED

Public Comment

Dr. Charles Davis, International Chiropractic Association of California stated that he understands the licensing fees have not have gone up and that the renewal range is reasonable, however there is conflict between the continuing education language and this regulation.

Mr. Stiger clarified that these are two different subjects and we need to move forward with these regulations as if the others are not happening.

Ms. Powell stated that what we would do if the bill goes through, is a section 100 change through the regulation process, and those are automatically changed to the correct amounts.

Dr. Davis stated his other issue is with the satellite office certificate, there is a 15x increase when you just print out a piece of paper. He doesn't feel there is any justification in that. Other boards only issue one license and if you want to work somewhere else, you just make a copy of your original license and place it in your additional location.

Ms. Powell replied that we don't want a doctor to be able to copy their license and use it at another location because of a problem with licenses being used for illegal purposes.

The other thing is that there is some staff work of checking into the doctor, it's not just a matter of printing out a piece of paper.

Dr. Davis asked why does the Chiropractic Board do all of that work if the other California boards don't.

Ms. Powell responded, when some of the other boards get burned, they do start doing all of that work.

Mr. Stiger stated that we are not trying to make money. We are trying to cover our costs of staff work and we rely on another agency to produce these documents and we have to pay for them. The \$5 fee was not covering our costs.

Ms. Kristine Shultz, California Chiropractic Association, would like to go over the entire fee structure however one thing that stands out is the continuing education course approval application fee. Currently the rate is a \$50 flat fee and is proposed to go to a minimum of \$70 per course. So with their convention of 14 courses would go from a \$50 fee to around \$1,000 and be a significant increase. Also, to do this at the same time that we are increasing continuing education requirements for doctors of chiropractic, to also increase the cost so significantly might be overly burdensome.

Newly Introduced Legislation of Interest to the Board

Dr. Lerner stated there is nothing new.

Public Comment

None

Future Agenda Items

None

Adjournment

Dr. Lerner adjourned the meeting at approximately 9:20 a.m.